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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2005 MAY 17 P 2:15

JEFF HATCH-MILLER Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
KACY PARKER dba ARROYO WATER
COMPANY FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
WATER SERVICE AND FOR APPROVAL OF
THE SALE OF ASSETS TO KACY PARKER.

DOCKET NO. W-04286A-04-0774

PROCEDURAL ORDER**BY THE COMMISSION:**

On September 13, 2004, a Procedural Order was issued in Docket No. W-03672A-01-0474 (*In the Matter of the Complaint of Utilities Division Staff v. Arroyo Water Co., Inc.*) directing Kyle and Kacy Parker to file an application for sale of assets and for transfer of the current Certificate of Convenience and Necessity ("CC&N") for Arroyo Water Company, Inc. ("Arroyo Water"). Based on an investigation in that docket, the Commission's Utilities Division Staff ("Staff") indicated that Kyle and Kacy Parker appear to have purchased the assets of Arroyo Water from Richard Williamson, the prior owner, yet no application for authority to transfer the assets or CC&N had been filed with the Commission.

On October 19, 2004, Kacy Parker dba Arroyo Water Company filed an application in the above-captioned docket for a new CC&N and for approval of the sale of assets to Kacy Parker.

By Procedural Order issued April 19, 2005, Staff was directed to file a Staff Report by June 3, 2005, addressing the ownership and operational status of Arroyo Water, as well as any ongoing issues with respect to Arizona Department of Environmental Quality compliance issues and Staff's recommendation regarding the proposed transfer of assets and issuance of a CC&N to Kacy Parker dba Arroyo Water Company.

On June 1, 2005, Staff filed a request for an extension of time, until June 24, 2005, to file the Staff Report ordered by the April 19, 2005 Procedural Order.

By Procedural Order dated June 2, 2005, Staff was granted an extension to file its Staff

1 Report until June 24, 2005. Arroyo Water was ordered to file a response to the Staff Report by July
2 11, 2005.

3 On June 24, 2005, Staff filed its Staff Report stating additional information was needed from
4 Arroyo Water before Staff could complete its review and issue a recommendation regarding the
5 application. Arroyo Water failed to respond to the Staff Report as ordered.

6 By Procedural Order issued February 10, 2006, Arroyo Water was again ordered to file a
7 response to the Staff Report, this time by no later than February 24, 2006. To date, neither Kacy
8 Parker nor any other representative of Arroyo Water has responded to the Staff Report as ordered.

9 IT IS THEREFORE ORDERED that, given the repeated failure of Arroyo Water or its
10 representatives to respond to the prior orders, Staff shall file by June 1, 2006 a recommendation for
11 appropriate action to be taken in this matter including, but not limited to, pursuit of an Order to Show
12 Cause for failure to provide the additional information requested by Staff and failure to comply with
13 the Administrative Law Judge's directives to respond to the Staff Report.

14 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
15 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
16 hearing.

17 Dated this 17th day of May, 2006

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20 DWIGHT D. NODES
21 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

22 Copies of the foregoing mailed/delivered
this 17 day of May, 2006 to:

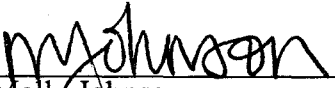
23 Kacy Parker dba Arroyo Water Company
24 HC 6, Box 1048-H
25 Payson, AZ 85541
(VIA CERTIFIED AND REGULAR
MAIL)

26 Richard W. Williamson
27 Arroyo Water Company, Inc.
28 P.O. Box 231
Young, AZ 85554
(VIA CERTIFIED AND REGULAR
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11 By:

12 
13 Molly Johnson
14 Secretary to Dwight D. Nodes
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